IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Crl.MC.No. 2392 of 2007()

AGAINST THE ORDER DATED 19/07/2007 IN CRMC.740/2006 IN CRMP.3100/2007 of SESSIONS COURT, THALASSERY
CRIME NO.45/07 OF KELAKAM POLICE STATION

.....

PETITIONER:

SASHI KUMAR, S/O.NARAYANAN, AGED 37 YEARS, MUZHUKKAL HOUSE, ULLIKKAL, VAITHOOR AMSOM DESOM.

BY ADV. SRI.R.PARTHASARATHY

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2392 of 2007

Dated this the 25th day of July, 2007

O R D E R

The petitioner was granted regular bail in a crime registered under Sections 406, 498 A and 307 I.P.C as per order dated 29.05.07 by the Sessions Judge, Thalassery. The condition imposed is that the petitioner must surrender his passport. Accordingly, the petitioner has already surrendered his passport, it is submitted. According to the petitioner, he is employed abroad. If he does not immediately return to his place of employment, he is likely to lose his job. That would work out adverse consequences not only against the petitioner but also against the defacto complainant, his wife. In these circumstances, it is prayed that subject to appropriate conditions, the passport may be directed to be released to the petitioner. The petitioner shall appear as and when directed by the learned Magistrate if 3 months' time is given for such appearance. Till then, he shall appear through counsel. The petitioner shall specify the name of a person in India to whom notice can be given by the court, which can be reckoned as sufficient notice to the petitioner.

2. Notice given. No serious objection is raised by the learned Public Prosecutor. The learned Public Prosecutor only submits that the presence of the petitioner may be ensured by insisting on appropriate safeguards.

3. This Crl.M.C is, in these circumstances, allowed. The passport surrendered by the petitioner shall be released to the petitioner by the learned Magistrate on condition that he executes a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum, undertaking before the learned Magistrate that the passport shall be surrendered back to the Magistrate as and when directed by the learned Magistrate to do so. The petitioner shall also file a memo specifying the name of a person in India on whom such direction to the petitioner can be served by the courts.

Hand over a copy of this order to the learned counsel for the petitioner today itself.

(R.BASANT, JUDGE)

rtr/-